DRAFT STATUTORY INSTRUMENTS

2012 No.

The Benefit Cap (Housing Benefit) Regulations 2012

Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

3.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(**1**) are amended as follows.

(2) In regulation 4 (revision of decisions) after paragraph (7F)(**2**) insert—

"(7H) Where a relevant authority has reduced housing benefit as a consequence of regulation 75D of the Housing Benefit Regulations, that decision may be revised at any time.".

(3) In regulation 7(2) (decisions superseding earlier decisions) after sub-paragraph (q)(**3**) insert—

"(r) which as a consequence of regulation 75D of the Housing Benefit Regulations reduces housing benefit to apply the benefit cap or increases or decreases such a reduction (including a decrease to nil).".

(4) In regulation 8 (date from which a decision superseding an earlier decision takes effect) after paragraph (14E)(**4**) insert—

"(14F) Where a decision is superseded in accordance with regulation 7(2)(r), the superseding decision shall take effect—

(a) on the date the superseding decision is made where the decision results in the application of the benefit cap or an increase in a reduction; and

(b) where the decision results in the benefit cap ceasing to apply or a decrease in a reduction, on the date from which the welfare benefit (within the meaning of regulation 75G of the Housing Benefit Regulations) is reduced.".

(**1**) S.I. 2001/1002.
(**2**) Paragraph (7F) was inserted by S.I. 2006/644. Paragraph (7G) was inserted by S.I. 2007/2474 and ceased to have effect after 31st December 2010.
(**3**) Sub-paragraph (q) was added by S.I. 2010/1907 and amended by S.I. 2010/2430.
(**4**) Paragraph (14E) was inserted by S.I. 2010/1907.